

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Complaint of)
JOHN D. (JACK) HOYT,)
Complainant,)
vs.)
KOHALA RANCH WATER COMPANY,)
Respondent.)

DOCKET NO. 04-0296

ORDER NO. 21455

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

2004 NOV -8 A 8:31

RECEIVED

Filed Nov. 5, 2004
At 2 o'clock P.M.

Karen Higashi.
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Complaint of)
JOHN D. (JACK) HOYT,)
Complainant,) Docket No. 04-0296
vs.) Order No. **21455**
KOHALA RANCH WATER COMPANY,)
Respondent.)

ORDER TO SATISFY OR ANSWER COMPLAINT

I.

Complaint

On October 1, 2004, JOHN D. (JACK) HOYT ("Complainant") filed a formal complaint ("Complaint") with the commission against KOHALA RANCH WATER COMPANY (nka, KRWC CORPORATION)¹ ("Respondent"), pursuant to Hawaii Administrative Rules ("HAR") § 6-61-67. Complainant alleges that Respondent engaged in the following activities:

1. "Excessive, unfair, and unreasonable charges for loss of water during one-month billing period due to hidden underground break in irrigation system[;]" and

¹On March 2, 2000, the commission approved the transfer of KOHALA RANCH WATER COMPANY's assets, including its certificate of public convenience and necessity, to KRWC CORPORATION. Decision and Order No. 17580, filed on March 2, 2000, in Docket No. 99-0390.

2. "Failure to conduct meter testing and hearing procedures in a fair and reasonable manner."

The Complaint appears to request that the commission review Respondent's rates, fares, classifications, charges or rules, and find that such rates, fares, classifications, charges or rules are unfair and unreasonable. Furthermore, the Complaint seeks the following relief:

1. "Direct [Respondent] to adopt a policy for hidden or accidental water loss in keeping with County Water District of 1.5 times the average monthly bill for the previous 12 months[;]"
2. "Grant a one-time adjustment to [Complainant] for water lost due to a failure of the irrigation system during the 1/5/04-3/8/04 billing cycle in keeping with the County Water District Policy described above[;]" and
3. "Review and establish consumer protection procedures in [Respondent's] tariffs such that hearings are conducted in public with witnesses and meters are tested in an independent, verifiable, timely manner when appropriate."

The commission finds that the Complaint appears to substantially comply with HAR § 6-61-67, and, as such, pursuant to HAR §§ 6-61-67 and 6-61-68, Respondent should either satisfy the matters complained of and file an answer reporting that it has satisfied the matters raised in the Complaint or file an

answer to the attached Complaint within twenty (20) days after the date of service of this order.

II.

Order

THE COMMISSION ORDERS that Respondent shall satisfy the matters complained of and file an answer reporting that it has satisfied the matters raised in the Complaint, or file an answer to the attached Complaint, within twenty (20) days after the date of service of this order.

DONE at Honolulu, Hawaii NOV - 5 2004.

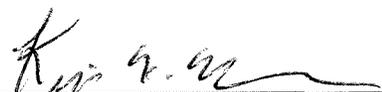
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Kris N. Nakagawa
Commission Counsel
04-0296.ac

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 21455 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
P. O. Box 541
Honolulu, HI 96809

JOHN D. (JACK) HOYT
P.O. Box 1141
Kapa'au, HI 96755

KRWC CORPORATION
c/o WALLY CAMPBELL
59-916 Kohala Ranch Road
Kamuela, HI 96743



Karen Higashi

DATED: NOV - 5 2004